

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO.: 05 CV 7905

Judge Casey

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PRESIDION SOLUTIONS, INC.,

Plaintiff,

vs.

BRENTWOOD CAPITAL
CORPORATION and CHARLES J.
SPINELLI, individually,

Defendant.

AFFIDAVIT OF RICHARD E. BERMAN

**STATE OF FLORIDA
COUNTY OF BROWARD**

BEFORE ME, the undersigned authority, personally appeared RICHARD BERMAN, known to me personally or identified to me by proper identification, who by me first duly sworn, and upon his oath, stated to me as follows:

1. I am over 18 years of age, *sui juris*, and competent to testify as to the matters herein.
2. This Affidavit and all statements herein are based on my personal knowledge.
3. I am a shareholder of the law firm of Berman, Kean & Riguera, P.A. ("BKR"), attorneys for the Plaintiff PRESIDION SOLUTIONS, Inc. ("Presidion"). I submit this affidavit in support of BKR's motion to withdraw as counsel for Plaintiff.
4. BKR entered an appearance in this matter on behalf of Presidion at the request of its affiliate, Mirabilis Ventures, Inc. ("MVI"), the original Plaintiff in this action, with

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the knowledge and consent of Presidion.

5. In connection with the above-captioned action, the services performed by BKR for Presidion have included the filing of motion papers, appearing in court, serving Initial Disclosures, serving discovery requests, exchanging documents, engaging in settlement discussions, and rendering of other services for the Plaintiff.
6. Presidion has disregarded its obligations to pay legal fees in this action and has made it unreasonably difficult, it not impossible, for BKR to carry out their employment effectively because Presidion has failed to respond to communication sent to it by BKR regarding this action.
7. Presidion will not be prejudiced by BKR's withdrawal, as all discovery is stayed pending a decision on the motion to dismiss the amended complaint.

FURTHER AFFIANT SAYETH NOT.



RICHARD E. BERMAN

SWORN AND SUBSCRIBED BEFORE ME, the undersigned authority, on this

14th day of March, 2007.



Notary Public - State of Florida

Deanne L. ferrese

Print Name of Notary

Seal:

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of March, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and mailed, via U.S. Regular Mail, a copy to: **James Baiers**, Chief Legal Officer, Presidion Solutions, Inc., 755 W. Big Beaver Road, Suite 1700, Troy, MI 48084; **David M. Levy, Esq.**, Levy & Boonshoft, P.C., 477 Madison Avenue, New York, NY 10022.

BERMAN, KEAN & RIGUERA, P.A.

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By: s/ Richard E. Berman

Richard E. Berman
RB2715